



AGENDA
BOARD OF ADJUSTMENT
MONDAY OCTOBER 10, 2016
4000 MAIN STREET

The Board of Adjustment will convene into a Work Session at **6:00 p.m.** in the City Hall Conference Room at the Municipal Center, 4000 Main Street, Rowlett, at which time the following items will be considered:

- i. Call to Order
 - ii. Administer the Oath of Office and the Statement of Elected/Appointed Officer to the newly appointed and reappointed members
 - iii. Board of Adjustment Orientation
 - iv. Elect a Chairman and Vice-Chairman
 - v. Discuss items on the regular agenda
 - vi. Adjournment
-

The Board of Adjustment will convene into a Regular Meeting at **7:00 p.m.** in the City Hall Chambers at the Municipal Center at which time the following items will be considered:

1. Call to Order
2. Consider approval of the minutes of the Joint Meeting of City Council and Board of Adjustment on August 16, 2016 and the minutes of the Board of Adjustment Meeting on June 22, 2016.
3. Conduct a public hearing and take action on a request for a variance to allow a building to encroach 9.33 feet into the 20-foot setback from the rear property line. The subject property is located at 9205 Willard Drive, further described as being Lot L, Block 44, Highland Meadows North #2, an addition to the City of Rowlett, Rockwall County, Texas.
4. Conduct a public hearing and take action on a request to reinstate a legal non-conforming status and reconstruct a building that was destroyed in a fire on August 18, 2016. The subject property is located at 4318 Misty Lane, further described as being Lot 1, Block A, Sauser, an addition to the City of Rowlett, Dallas County, Texas.
5. Conduct a public hearing and take action on a request for a variance to allow a building to encroach 25 feet into the 50-foot front yard setback. The subject property is located at 1700 Castle Drive further described as being Lot 3, Block A, Bubbus 1, an addition to the City of Rowlett, Dallas County, Texas.
6. Adjournment

NOTE: THE BOARD OF ADJUSTMENT MAY RETIRE AND CONVENE INTO EXECUTIVE, CLOSED SESSION ON ANY MATTER RELATED TO ANY OF THE ABOVE AGENDA ITEMS FOR THE PURPOSES OF PRIVATE CONSULTATION WITH THE CITY ATTORNEY UNDER SECTION 551.071 OF THE TEXAS GOVERNMENT CODE.

NOTE: THE CITY OF ROWLETT MEETING ROOMS ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE PLANNING DEPARTMENT AT 972-463-3949 FOR FURTHER INFORMATION.

A handwritten signature in black ink, appearing to read "Garrett Langford".

Garrett Langford, Principal Planner



City of Rowlett

Meeting Minutes

City Council

4000 Main Street
Rowlett, TX 75088
www.rowlett.com

City of Rowlett City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at 972-412-6115 or write 4000 Main Street, Rowlett, Texas, 75088, at least 48 hours in advance of the meeting.

Tuesday, August 16, 2016

5:15 P.M.

Municipal Building – 4000 Main Street

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

The City of Rowlett reserves the right to reconvene, recess or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

Present: Mayor Gottel, Mayor Pro Tem Dana-Bashian, Deputy Mayor Pro Tem Sheffield, Councilmember van Bloemendaal, Councilmember Bobbitt, Councilmember Brown and Councilmember Hargrave

1. CALL TO ORDER

Mayor Pro Tem Dana-Bashian called the meeting to order at 5:15 p.m.

2. EXECUTIVE SESSION

- 2A. The City Council shall convene into executive session pursuant to the Texas Government Code, §551.071 (Consultation with City Attorney) to discuss and deliberate pending litigation and settlement, Xerox State and Local Solutions v. City of Rowlett. (15 minutes) – **TO BE DISCUSSED AFTER THE REGULAR SESSION**

This item was pulled from the agenda at the request of the City Attorney.

3. WORK SESSION (5:15 P.M.) * Times listed are approximate.

- 3A. Joint Work Session of Board of Adjustment and City Council. (35 minutes)

Marc Kurbansade, Director of Development Services, reviewed the role of the Board, its capacity and authority as the Building Code Board of Review and Appeals, the Sign Board of Appeals and the City's Housing Advisory and Appeals Board.

Board Chair, Raymond Moyer called the Board to order at 5:28 p.m. with members Kellie McKee, Chris Kizziar, and Frixmon Michael present. The presentation continued outlining the Board's training in preparation for dealing with properties affected by the tornado and remediation and

demolition of substandard and dangerous structures. Discussion regarding the future role of the Board. Chair Moyer adjourned the Board at 5:45 p.m.

3B. Discuss FY2017 Council Work Plan. (60 minutes)

Brian Funderburk, City Manager, reviewed the list Councilmembers generated at their Strategic Planning Session in July. Discussion of items with clarification of verbiage and other items' inclusion on the list.

Mr. Funderburk will finalize the list based on this discussion and return it to Council at a later date.

Mayor Gottel arrived at 7:13 p.m.

3C. Hear presentation from the Library Advisory Board regarding the Five-Year Update to the Library's Strategic Plan. (30 minutes)

This item was discussed after item 3A.

Bill Schwab, Library Advisory Board Member, presented the proposed Strategic Plan with Kathy Freiheit, Director of Library Services on behalf of the Board Chair Pat Harris, who was unable to attend the meeting and Library staff. Laura Tschoerner, Library Services Manager, and Phil Barott, Information Systems Administrator, were also in attendance. After further discussion, it was the consensus of Council to consider the adoption of the Library's Strategic Plan at the upcoming meeting on September 6, 2016.

4. DISCUSS CONSENT AGENDA ITEMS

Council adjourned the Work Session at 7:32 p.m.

CONVENE INTO THE COUNCIL CHAMBERS (7:30 P.M.)

Council reconvened in the Regular Session at 7:42 p.m.

INVOCATION – Mayor Gottel

PLEDGE OF ALLEGIANCE – Led by the City Council
TEXAS PLEDGE OF ALLEGIANCE

5. PRESENTATIONS AND PROCLAMATIONS

5A. Hear presentation of the Monthly Financial report for the period ending June 30, 2016.

Kim Wilson, Director of Financial Services, provided the report.

5B. Update from the City Council and Management: Financial Position, Major Projects, Operational Issues, Upcoming Dates of Interest and Items of Community Interest.

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS
HELD IN THE ROWLETT MUNICIPAL CENTER,
4000 MAIN STREET, ROWLETT, TEXAS
June 22, 2016**

PRESENT: Chairman Raymond Moyer, Vice Chairman Chris Kizziar, Members Kellie McKee, Robert Vickers

ABSENT: Member Tony Brown, Alternate Member Frixmon Michael

STAFF PRESENT: Principal Planner Garrett Langford, Community Services Manager Maria Martinez, Planner Katy Goodrich, Development Services Coordinator Lola Isom

OTHERS PRESENT: City Attorney David Berman

WORK SESSION

i. Call to Order

Chairman Raymond Moyer called the Work Session to order at 6:00 p.m.

ii. Discuss tornado code compliance process.

Community Services Manager Maria Martinez stated that the last count that was conducted of homes in the tornado damaged area in disrepair was less than 100.

There was discussion amongst the Board in regards to the Code Enforcement Division's surveying process of the area damaged by the tornado.

City Attorney David Berman noted that the City of Rowlett is in the last stage of tornado recovery and is working towards getting properties into compliance. He said that the City of Rowlett has adopted the provisions of the *Uniform Code for the Abatement of Dangerous Buildings, 1997 edition*. He reminded the Board that they also serve as the City's Board of Appeals.

Mr. Berman stated that the Code Enforcement Division would initiate the process of getting the properties into compliance and the Board of Adjustment (BOA) would make decisions regarding demolition. It was mentioned that homeowners/applicants have 30 days to appeal these particular decisions to the BOA. Mr. Berman stated that Form Orders will be used, hearings will be public, and that Code Enforcement will present the cases to the BOA for consideration. He stated that the City of Rowlett would incur the cost of the demolition and the corresponding lien would be filed. He provided a document outlining the process to the BOA titled "*Code Compliance and the Remediation and Demolition of Substandard and Dangerous Structures.*"

There was discussion amongst the Board regarding the definition of habitable structures, lien holders, timeline for repair, extensions, a schedule for each case, inspections, property ownership, the degree of damage, liens, and media communications.

Ms. Martinez stated that the identification process would begin in August of 2016.

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
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4000 MAIN STREET, ROWLETT, TEXAS
June 22, 2016**

Mr. Langford offered the idea to the BOA of working towards scheduling a standing meeting every month in the event that there are cases to be heard since this review will increase the volume of BOA hearings in the near future.

iii. Adjournment.

Chairman Raymond Moyer adjourned the Work Session at 6:45 p.m.

REGULAR MEETING

PRESENT: Chairman Raymond Moyer, Vice Chairman Chris Kizziar, Members Kellie McKee, Robert Vickers

ABSENT: Member Tony Brown, Alternate Member Frixmon Michael

STAFF PRESENT: Principal Planner Garrett Langford, Planner Katy Goodrich, Development Services Coordinator Lola Isom

OTHERS PRESENT: City Attorney David Berman

1. Call to Order

Chairman Raymond Moyer called the Regular Meeting to order at 7:02 p.m.

2. Consider approval of the minutes of the Board of Adjustment Meeting of April 14, 2016.

Member Robert Vickers made a motion to approve the minutes. Member Kellie McKee seconded the motion. The item passed 4-0.

3. Conduct a public hearing and take action on a request for a variance to allow a building to encroach 17 feet into the 20-foot setback from the rear property line. The subject property is located at 2209 Windjammer Way, further described as being Lot 13R, Block 7(A) of the Vue Du Lac, an addition to the City of Rowlett, Dallas County, Texas.

Garrett Langford, Principal Planner, came forward to present the case. He displayed a location map and summarized the proposal for the attached patio that would encroach into the rear setback. Mr. Langford presented a photograph of the property before and after the tornado damage, additional site photos, a Plot Plan, renderings, elevations, and provided some detail on the Take Area Lease Ordinance and view corridor. He summarized the staff analysis and stated that staff recommends denial.

He stated that public hearing notifications were sent and four were received in favor.

There was discussion amongst the Board regarding the public hearing responses and the current zoning.

**MINUTES OF THE WORK SESSION AND REGULAR MEETING
OF THE BOARD OF ADJUSTMENT OF THE CITY OF ROWLETT, TEXAS
HELD IN THE ROWLETT MUNICIPAL CENTER,
4000 MAIN STREET, ROWLETT, TEXAS
June 22, 2016**

Chairman Raymond Moyer opened the public hearing.

The following speakers came forward:

**Chad and Lynn Grant
2209 Windjammer Way
Applicant**

Ms. Grant expressed her desire for BOA approval.

Mr. Grant provided a document to the Board displaying Homeowner's Association (HOA) approval. He said he wants to attach the structure to the house because he believes it would be more structurally sound and a better design.

There was discussion amongst the Board regarding the structure being attached versus attached and the builder.

No additional speakers came forward.

Chairman Raymond Moyer closed the public hearing.

Member Kellie McKee made a motion to deny the request. Member Robert Vickers seconded the motion. The motion for denial passed with a 3-1 vote. Vice Chairman Chris Kizziar voted in opposition of the motion.

4. Adjournment

Member Robert Vickers made a motion to adjourn the meeting. Member Kellie McKee seconded the motion. The motion to adjourn passed with a 4-0 vote.

Chairman Raymond Moyer adjourned the meeting at 7:25 p.m.

Chairman- Raymond Moyer

Secretary

Date



City of Rowlett

Staff Report

Board of Adjustment

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 10/10/2016

AGENDA ITEM: 3

AGENDA LOCATION:

Individual Consideration

TITLE

Conduct a public hearing and take action on a request for a variance to allow a building to encroach 9.33 feet into the 20-foot setback from the rear property line. The subject property is located at 9205 Willard Drive, further described as being Lot L, Block 44, Highland Meadows North #2, an addition to the City of Rowlett, Rockwall County, Texas.

STAFF REPRESENTATIVE

Katy Goodrich, MPA, Planner I

SUMMARY

The applicant, USCR Contractors, is requesting a variance to the 20-foot setback from the rear property line. The applicant's home was destroyed during the December 26, 2015 tornado. The applicant is proposing to rebuild their home with a two-story addition, which will cause it to encroach into the 20-foot rear setback by 9.33 feet (Attachment 1 – Home Design). In Staff's opinion, the request meets the criteria for a variance as prescribed by the Rowlett Development Code.

BACKGROUND INFORMATION

The subject property is located at 9205 Willard Drive (Attachment 2 – Location Map) and is currently zoned Planned Development 12-18-84A, which required the homes to follow the 20 feet rear yard setback from the property line. The subject property backs up to an alley and an empty lot off Lakeview Parkway. The property is an irregular shaped lot where the house is angled toward the street.

The applicant is in the process of reconstructing their home along with adding a second story addition on the rear of the house using the same footprint that was in place prior to the tornado. The home was built in 1985 and at that time it met the 20-foot rear yard setback. The property owner added a patio cover onto the home at some point after 1985 and then enclosed said patio between 2001 and 2003. When the patio cover was enclosed, this created an encroachment of approximately 9.33 into the 20-foot rear yard setback. Due to the tornado, the property owner was unable to provide any documents referring to any issued permits or allowances from the City for the patio enclosure. Additionally, staff was unable to locate any record of a building permit or variance that allow the patio enclosure to encroach into the rear setback.

A building permit was issued on June 14, 2016, to allow the reconstruction of the house utilizing the existing footprint including adding a second story above where the patio enclosure and garage are located. The building permit issued on June 14th did not include a separate plot plan to confirm that the footprint met the setback requirements. It wasn't until after reconstruction was underway that Building Inspections learned that the existing footprint of the house encroached into the rear setback. The applicant's recourse was to apply for a variance or to remove the addition that encroaches 9.33 feet into the 20-foot rear yard setback.

DISCUSSION

Section 77-812 of the *Rowlett Development Code* (RDC) states specific criteria that should be considered when granting a variance as seen below:

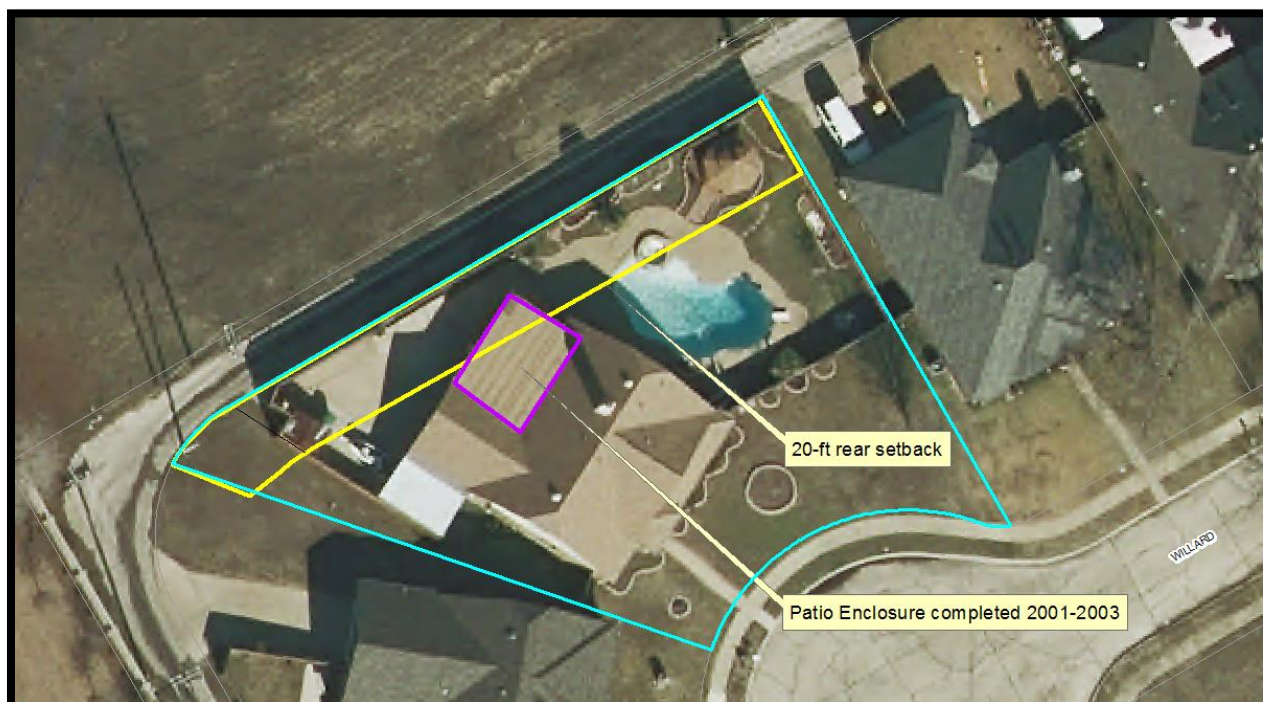
The variance process is intended to provide limited relief from the requirements of this Code in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Code. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Code may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Code render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the city.

Section 77-812 of the RDC defines a variance as seen below:

A variance is an exemption from the literal terms of a zoning ordinance that avoids an unnecessary hardship caused by the special conditions associated with the property. The unnecessary hardship must be unique to the property, arising from topographical, geographical, physical, or dimensional features of the property, and not the owner or occupant. A variance is appropriate in unique circumstances to allow limited exemptions from setbacks, lot width, lot depth, coverage, floor area ratio, sidewalks, home size, lot size, signs and similar regulations and shall not be granted based on market conditions, economic factors, or profitability, marketability or feasibility of development on the property. A variance shall not be granted if contrary to the public interest, and if granted, the spirit of the regulations must be observed and substantial justice done.

A variance is intended to grant relief from a zoning requirement where its enforcement would result in a hardship due to unique conditions on the property. To grant a variance, there must be a physical condition unique to the property that would make it difficult to use and comply with the requirements. In review of this request, staff found physical conditions that are unique to the subject property. The property is irregularly shaped instead of a standard rectangular shaped lot where the outer footprint of the house runs parallel with its property lines. The image below shows how the irregular nature of the

subject property makes it difficult to construct a house with a square footprint without encroaching into the rear setback.



The property cannot be redeveloped with a single family home that uses a square footprint without significant changes. It is staff's opinion that the request meets the criteria for a variance.

PUBLIC NOTICE

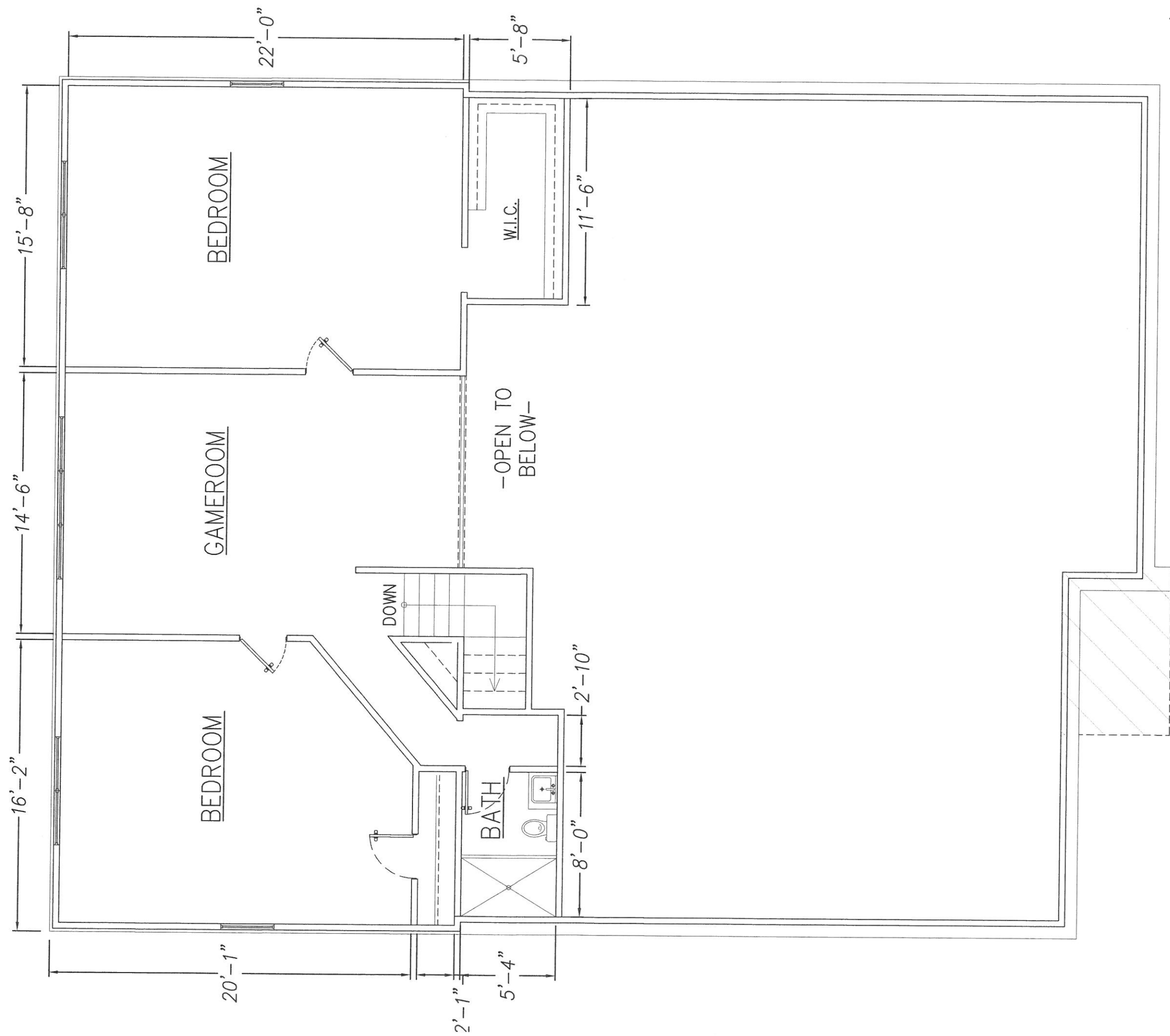
Notices of this request were mailed to property owners within 200 feet. On September 23, 2016, a total of 17 notices were mailed. As of October 5, 2016, no responses have been returned in favor of the request and one has been returned in opposition to the request.

RECOMMENDED ACTION

Move to approve the variance to allow the building to encroach 9.33 feet into the 20-foot rear yard setback at 9205 Willard Drive.

ATTACHMENTS

- Attachment 1 – Home Design
- Attachment 2 – Location Map
- Attachment 3 – Applicant's Request
- Attachment 4 – ORD 12-18-84
- Attachment 5 – Site Pictures
- Attachment 6 – Returned Public Notices

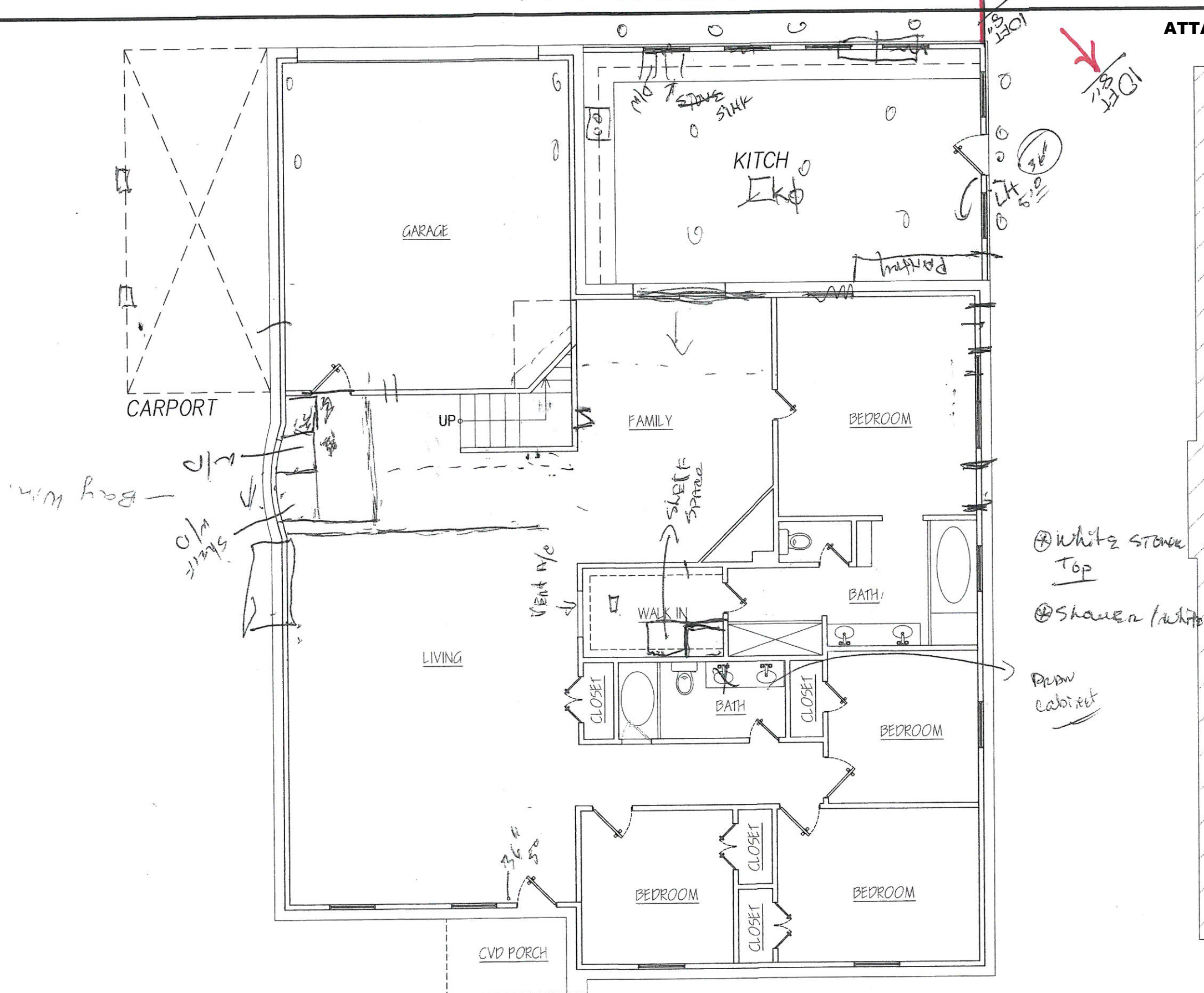


GREEN/ENERGY CODES

WATER EFFICIENCY:
 -ALL LAV. FAUCETS TO HAVE AN AVERAGE FLOW OF 2.0 GAL./MIN. OR LOWER
 -ALL SHOWER HEADS TO HAVE AN AVERAGE FLOW OF 2.0 GAL./MIN. OR LOWER
 -ALL TOILETS TO BE 1.3 GAL. PER FLUSH OR DUAL FLUSH OR WATER SENSE
ENERGY EFFICIENCY:
 -RESIDENCE TO BE EITHER 15% ABOVE 2009 IECC USING IES3 SOFTWARE OR BE ENERGY STAR RATED HERS 75
HEAT ISLAND MITIGATION:
 -2:12 OR GREATER SLOPED ROOFS MUST BE ENERGY STAR QUALIFIED OR MAY USE A RADIANT BARRIER OR USE
 -SPRAY FOAM INSULATION AT THE ROOF DECK OR BE A VEGETATED ROOF
INDOOR AIR QUALITY:
 -ALL DUCTWORK MUST BE OUTSIDE OF THE RATED GARAGE ENVELOPE
 -CONDITIONED SPACE ABOVE OR ADJACENT TO GARAGE - ALL PENETRATIONS MUST BE SEALED, FLOOR AND
 -CEILING JOISTS SEALED, PAINTED WALLS AND CEILINGS OF CONDITIONED SPACES AND DOORS WEATHER-STRIPPED
STORM WATER:
 -70% OF NON-ROOF AREA MUST BE LANDSCAPED, HAVE PERMEABLE PAVING AND SLOPED FOR RUNOFF TO FILTRATION FEATURE

SQUARE FOOTAGE

EXISTING HOUSE	2,034 S.F.
ENCLOSED CARPORT	480 S.F.
TOTAL UNDER ROOF AREA	2,514 S.F.
LOT AREA	15,111 S.F.
% OF LOT COVERED	16.6 %



2 FLOOR PLAN
 Scale: N.T.S.

ATTACHMENT

THE DRAWINGS, ARRANGEMENTS, SPECIFICATIONS AND GRAPHS ON THIS DOCUMENT ARE THE PROPERTY OF HENRIK DESIGN AND RETAIN OWNERSHIP AND AUTHORITY OF THIS DOCUMENT IN ITS ENTIRETY.
 THIS DOCUMENT IS AN INSTRUMENT OF SERVICE AND IS THE INTELLECTUAL AND PHYSICAL PROPERTY OF HENRIK DESIGN.
 AUTHORIZED USE OF THIS DRAWING GRANTED ONLY FOR THE PURPOSE OF THIS SPECIFIC PROJECT AND LOCATION AND NOT FOR CONSTRUCTION OR USE FOR ANY OTHER PROJECT.
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DICAMNI CONSULTING
 DALLAS, TX
 (214) 948.0040 PH.
 (214) 948.0043 FAX

project address:
 9205 Willard St
 Rowlett, TX 75088
USCR CONTRACTORS

job no: 3726
 issue date: 4/26/16
 drawn by: AE
 checked by: ER

issued for:
 OWNER
 REVIEW

sheet title:
 FLOOR PLAN

sheet no.:
2

ATTACHMENT 2





USCR CONTRACTORS
Residential & Commercial

City Of Rowlett-

c/o City building inspection

To Whom It May Concern:

Homeowner : KHIEM KIM HUOI

9205 Willard Rowlett Texas 75088

Contractor : USCR CONTRACTORS

Due to the shape of the lot at (9205 Willard Rowlett) being in a pie shaped format and the existing structure being in place since 1987, according to the property tax data, which shows an enclosed structure, livable, useable family space which existed pre tornado as of December 25, 2015. Due to property line set back we are requesting the variance to build using the existing footprint based on the fact that the structure has been in place since 1987 until 2015. We are rebuilding the structure using the existing footprint and dimensions where we have added nothing to the previous footprint, or made any changes whatsoever.

Note: Requesting to re-use the same footprint as pre-Tornado to complete the property repairs based on permit in place

RL

USCR CONTRACTORS

ORDINANCE NO. 12-18-84A

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROWLETT, AS HERETOFORE AMENDED, SO AS TO ADOPT A NEW DEVELOPMENT PLAN FOR THE PLANNED DEVELOPMENT DISTRICT GRANTED BY ORDINANCE NO. 5-17-79B; PROVIDING SPECIAL CONDITIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Rowlett in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to owners of the affected property, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS:
SECTION 1.

That the Comprehensive Zoning Ordinance of the City of Rowlett, Texas, be, and the same is hereby, amended by amending Ordinance No. 5-17-79B to adopt a new Development Plan for the Planned Development District described therein, such amended Development Plan being attached hereto as Exhibit "A" and made a part hereof for all purposes.

SECTION 2.

That the amended Development Plan provides for single family homes with a minimum size of 1,500 square feet and an average size of 1,700 square feet throughout said Planned Development District and that otherwise the requirements of the Development Plan and Ordinance No. 5-17-79B remain in full force and effect. In order to regulate the requirement of an average of 1,700 square feet for each single family home, there is attached hereto as Exhibit "B," and made a part hereof for all purposes, and adopted the same as if fully copied herein, "Highland Meadows North Calculation

of Square Footage Average." Upon each request for a Building Permit in Highland Meadows North, the Planned Development District affected by this ordinance and by Ordinance No. 5-17-79B, an identical facsimile of Exhibit "B" must be submitted to calculate the average square feet to date of the request so that upon each request, the Building Official may determine that the average of 1,700 square feet for all the single family homes in such addition is maintained. No Building Permit will be issued for construction of a single family home if such construction and the square footage of such home will result in the average square footage dropping below 1,700 square feet for Highland Meadows North as a whole.

SECTION 3.

That the property affected by this amended Development Plan is described as follows:

Lots 1-8, Block K, and Lots 1-13, Block J, Highland Meadows North No. 1, an Addition to the City of Rowlett, Rockwall County, Texas;

Lots 9-16, Block K, Lots 14-27, Block J, Lots 25-70, Block L, and Lots 1-32, Block N, Highland Meadows North No. 2, an Addition to the City of Rowlett, Rockwall County, Texas.

SECTION 4.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6.

Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Rowlett, Texas, shall be punished by a fine not to exceed the sum of One Thousand Dollars (\$1,000.00) for each offense, and that each and every day any such violation shall continue, shall be deemed to constitute a separate offense.

SECTION 7.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Rowlett, Texas, this 18th day of December, 1984.

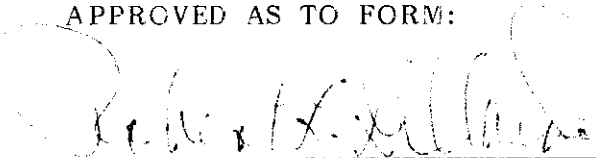
APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY













NOTICE OF PUBLIC HEARING FOR VARIANCE

TO: Property Owner
RE: Application for a Variance

LOCATION: The subject property is located at 9205 Willard Drive, further described as being Lot L, Block 44, Highland Meadows North #2, an addition to the city of Rowlett, Rockwall County, Texas. A location map depicting the 200 foot notification area is attached for reference. This notice and the notification area are required under Chapter 211.010 of the Texas Local Government Code.

EXPLANATION OF REQUEST:

The applicant is requesting a variance to the 20-ft rear setback requirement from section 77-400 of the Rowlett Development Code (RDC). The applicant is proposing to rebuild the home that will encroach 10.67 feet into the required 20-foot setback from the rear property line.

- ☐ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
☒ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS: 1) Safety of entering/exiting alley. 2) Size is an eyesore & way too large for community. 3) Tax increase due to comp values. 4) The homes in this area on this street are SINGLE FAMILY Residences - How many families live there?

Your written comments are being solicited in the above case. Additional information is available through the Department of Development Services located at 3901 Main Street. The Board of Adjustment will hold a public hearing and may take final action on the above case at **7:00 p.m. on Monday, October 10, 2016**. The meeting will be in the City Council Chambers, located at 4000 Main Street, Rowlett, Texas.

Please respond legibly in ink. If the signature and/or address is missing, your comments will not be recorded. Your response must be received in the Department of Development Services by **5:00 pm on Tuesday, October 4, 2016**, for your comments to be included in the Board Members packet. Responses received after that time will be forwarded to the Board at the respective public hearing.

If you have any questions concerning this request, please contact
Department of Development Services
Phone 972-463-3906
kgoodrich@rowlett.com

RETURN BY EMAIL, FAX, OR MAIL
City of Rowlett
Department of Development Services
PO Box 99
Rowlett, TX 75030-0099
FAX 972-412-6228
kgoodrich@rowlett.com

Address: 9220 Willard Street
Vi MAYS

Katy Goodrich

From: Vi <vimays@verizon.net>
Sent: Saturday, October 01, 2016 10:39 AM
To: Katy Goodrich
Cc: Vi Work
Subject: Notice of Public Hearing for Variance
Attachments: Scan.pdf

First let me please say that it is a little disheartening because this variance is really only being distributed to 2 families within the 200 ft map because all of the other “homes” are either slabs or vacant lots since the December tornado.

We are **opposed** to this variance request because of the following reasons —

- 1) The safety and visibility of entering and exiting the alley are greatly compromised by the increase of the home’s size.
- 2) The size of the home is an eyesore in the neighborhood and does not blend in with the other house sizes on the street - looks more like an apartment, duplex, or commercial property.
- 3) The increase in size could affect the comps in the neighborhood and the property tax value.
- 4) The homes in this neighborhood are supposed to be SFD - single family dwellings. This home appears to be more the size of a MFD - multi family dwelling.

If you have any questions, please feel free to call 214-908-6637

Thank you,

Phil & Vi Mays

9205 Willard Street



City of Rowlett

Staff Report

Board of Adjustment

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 10/10/2016

AGENDA ITEM: 4

AGENDA LOCATION:

Individual Consideration

TITLE

Conduct a public hearing and take action on a request to reinstate a legal non-conforming status and reconstruct a building that was destroyed in a fire on August 18, 2016. The subject property is located at 4318 Misty Lane, further described as being Lot 1, Block A, SAUSER, an addition to the City of Rowlett, Dallas County, Texas.

STAFF REPRESENTATIVE

Garrett Langford, AICP, Principal Planner

SUMMARY

The applicant is requesting the ability to reconstruct an accessory structure, which was destroyed in a fire on June 18, 2016, to the specifications and permits previously issued for that building, thereby reestablishing its legal nonconforming status.

BACKGROUND INFORMATION

In August of 2000, the property owner obtained a building permit to construct an accessory building under building permit #8859. At that time, a Special Use Permit was required in order to obtain approvals which was granted by City Council under ORD 07-18-00A.

In April of 2014, the subject property was rezoned to the Rural Neighborhood Form Based District (RN-FB), which replaced the previously approved Special Use Permit. This zoning change effectively made the accessory building a legal non-conforming structure. The legal non-conforming status would allow the building to exist or be remodeled, but would require reconstruction to Rural Neighborhood standards if "damaged or destroyed by any means to an extent where the cost of repair is greater than 50 percent of its appraised value" (Form Based Code Section 1.6.3.b).

On June 18, 2016, a fire destroyed the accessory structure (3,300 square foot) that was being used as a storage barn and an efficiency apartment (800 square foot). Upon realization that the insurance company would only pay to rebuild the exact replica of the previous building, the applicant reached out to the city to obtain permission to do so. However, due to the size restrictions and material requirements under the current zoning, staff could not approve the reconstruction. Staff informed the applicant of the option to request approval through the Board of Adjustment.

DISCUSSION

Section 1.6.3.b of the Form Based Code states the following:

If a nonconforming structure is damaged or destroyed by any means to an extent where the cost of repair to its original condition is greater than 50 percent of its appraised value at the time of damage or destruction as determined by the latest tax rolls, then such nonconformity shall not be re-established and such structure may only be rebuilt in compliance with the requirements of this Chapter except upon action by the board of adjustment to permit reconstruction of such structure. The Board of Adjustment shall have due regard for the rights of the person or persons affected, and shall consider such in regard to public welfare, developing character of the area surrounding, and the protection of property value in the area.

The intention of the nonconforming clause within the Form Based Code is to ensure that dilapidated or outdated buildings within a growing district are not reinstated and would not lower the quality of the neighborhood by being out of place in regards to location, size, and materials. In this case, development in this area is at least limited and remains rural in character. Having a large accessory building far into the rear of the property does not have any significant impact on the district as a whole. For this reason, staff believes that there is no impact on the public welfare, developing character of the area surrounding, and the protection of property value in the area. Staff is in support of the request.

Public Notice

Notices of this request were mailed to property owners within 200 feet. On September 22, 2016, a total of 12 notices were mailed. As of Thursday, October 6, 2016, zero responses have been returned in favor of the request and zero returned in opposition to the request.

RECOMMENDED ACTION

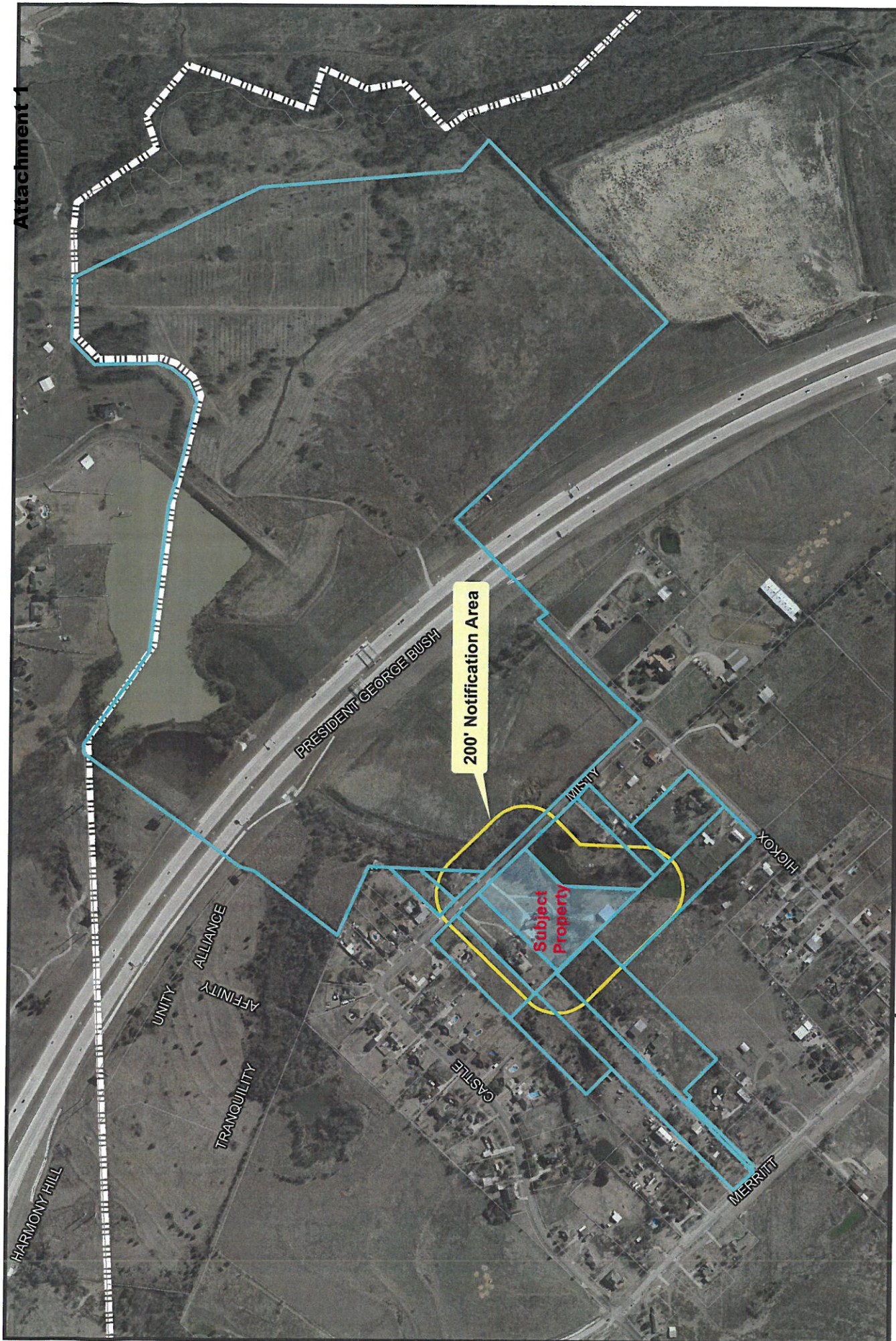
Staff recommends approval of the request to reconstruct a building that was destroyed in a fire on August 18, 2016, thereby reestablishing its legal nonconforming status. The subject property being located at 4318 Misty Lane.

ATTACHMENTS

Attachment 1 – Location Map

Attachment 2 – Applicant's Request

Attachment 3 – Building Permit #8859



VARIANCE
200 FT NOTICE
LOCATION MAP

4318 MISTY LN
Map Created: September 22, 2016

9/20/2016

Jerry Sauser
4318 Misty Lane
Rowlett, TX, 75089

Board of Adjustment
3901 Main St.
Rowlett, TX, 75088

RE: Building Permit 4318 Misty lane

Dear Board of Adjustment Members,

On June 18th, a fire started in my barn that eventually destroyed it. The barn is a metal building with 2304 sq ft enclosed, a closed porch on the rear, and an open porch on the front. The building includes an ~800 sq ft efficiency apartment. The total foot print is 36 x 52 or 3328 sq ft.

I built this shop under permit # 8859 issued on Aug 4th, 2000. As I recall, the permitting process took about 8 months. In order to obtain a permit, I was required to have my property rezoned from SFE to SFE-SUP. This was a very arduous process, at the time, the point of contention was not with the building design, size, nor materials of construction, but with my request to include living quarters.

The zoning change was granted under ORD 07-18-00A, allowing a detached accessory building not to exceed 3500sq ft. Shortly thereafter, during a P&Z meeting, the City Attorney read the ordinance pertaining to detached living quarters and gave the opinion that I had a legal right to design and build living quarters into this building.

The use for this barn over the years has been strictly for my own personal use to support hobbies of mine and my family. It housed our motorcycles when my son was participating in cross country racing. My daughter and I rebuilt a 1984 ford pickup truck together. It housed my 1957 Chevy pickup that I bought at an auction in 1977, I was 14 years old. (The truck was lost in the fire.) It was outfitted with tools for crafts, woodworking, and candy making. It was our home while we built our new house in 2005. For the last several years, it's been the residence of my 74 year old Mother-In-law, Judy Herring. She's currently staying with us, as we converted my office into a bedroom.

I am under contract with Heritage Construction to rebuild. On or about 15-Sep, James Davis, a representative of Heritage Construction, attempted to obtain a building permit, it was denied citing that the building no longer meets code for this area. This area is now zoned FB-RN.

With this letter, I respectfully request a meeting with the Board of Adjustment to petition for a variance or special exemption that would allow me to rebuild the building as designed and built.

It's my understanding that the Board has the power to grant such variances that are not contrary to the public interest and where literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. In support of this, I would cite the following two reasons:

1. Not allowing me to rebuild this building would deny me and my family to continue with and enjoy our current lifestyle.
2. To meet the new requirements of building materials, it would require a new design for the building and foundation. We estimate this to be about 75% more than the current replacement cost.

I live on ~4.5 acres, this barn fits well into the landscape of a rural neighborhood. The 6-12 pitch roof, 12" soffits, and front porch set it apart from the average metal pole barn.



Thanks for your consideration and I'm looking forward to meeting with you in the near future. I can be contacted via email, g-sauser@ti.com or 214-500-0272.

Best Regards,

A handwritten signature in blue ink, appearing to read "Jerry Sauser".

Jerry Sauser



September 7, 2016

Mr. James Davis
Heritage construction
2591 Dallas parkway, Suite 201
Frisco, Texas 75034

Ref. Barn / residential burn - slab structural review
Slab review & letter
4318 Misty Lane
Rowlett, Texas

BRAE #16127

Mr. Davis:

A general review of the slab following a burn was performed to note the condition as appropriate for rebuild.

According to the owner, Mr. Jerry Saucer, and the contractor, Mr. James Davis, the columns, of the main building structure, are on piers. The slab of the main building is stiffened with grade beams and the porch columns are supported by thickened slab. The slab is a 4" concrete slab, over an original 4" concrete slab, and each are assumed reinforced with #3 rebar at 16" o.c. maximum.

Following the burn, there is no visible sign of over-heating of the slab from the burn. There was no visible evidence of over-stressing of the slab from slab movement. The slab showed an area which looked to be chipped out due to the fall of an object during the burn, but the overall quality of the slab in review was good. The entire built structure above the slab is to be replaced and no reuse of any existing building.

This review noted the appropriateness of the existing slab for re-build of a similar structure, with similar loadings. If we can be of further assistance, please do not hesitate to call or email.

Respectfully,

A handwritten signature in black ink, appearing to read 'BR', is written over the signature line.

Bradford Russell, AIA, P.E., SECB
Architect / Structural Engineer / LEED AP
Director of Architecture / Engineering
BR Architects & Engineers

BR



9/7/16

BR ARCHITECTS, Inc.

2007 N. Collins Blvd., Suite 507 • Richardson, Texas 75080 • P (972) 235-9308 • F (972) 235-9388

BUILDING PERMIT
CITY OF ROWLETT
P.O. BOX 99
ROWLETT, TEXAS 75030-0099
(972) 412-6125

Rowlett
Inspection Dept.

Attachment 3
FOR INSPECTIONS
CALL 972-412-6137

PLEASE PRINT
FIRMLY — FILL
IN ALL BLANKS

PERMIT

8859

CONSTRUCTION ADDRESS

4318 Misty Lane

SUBDIVISION

ZONING

LOT

BLOCK

BUILDING OWNER

Jerry Sauser 4318 Misty Lane Rowlett, Tx 75089

GENERAL CONTRACTOR

Metal Specialties 444 WZ CR 3221 Willis Point, Tx 75169

ELECTRICAL CONTRACTOR

PLUMBING CONTRACTOR

MECHANICAL CONTRACTOR

ADDRESS

ADDRESS

ADDRESS

ADDRESS

ADDRESS

PHONE

PHONE

PHONE

PHONE

PHONE

PERMIT FOR:

☐ FENCE

☐ SWIMMING POOL, SPA, HOT TUB

☐ ELECTRICAL

☐ PLUMBING PERMIT

☐ A/C PERMIT

☐ SPRINKLER SYSTEM

☐ SIGN

☐ OTHER

☐

BUILDING INFORMATION

WORK BEING DONE

☐ NEW BLDG.

☒ NEW BLDG. (SHELL ONLY)

☐ INT. COMPLETION

☐ ADDITION

☐ GARAGE CONVERSION

☐ INT. REMODEL

☐ EXT. REMODEL

☐ REPAIR

☐ OTHER

TYPE

☐ SINGLE FAMILY

☐ APARTMENT

☐ TOWNHOUSE

☐ DUPLEX

☐ COMM.

☐ INDUSTRIAL/WHSE.

☐ ACCESSORY BLDG.

☐ CHURCH

☐ SCHOOL

☐ OTHER

REMARKS

OK for Planning Dept.

NOTICE TO APPLICANT This permit is issued on the basis of information furnished in this application and on any submitted plans, and is subject to the provisions and requirements of the City of Rowlett Code of Ordinances and any other applicable ordinance. This permit is issued only for the purpose of allowing construction of a building or structure conforming to the codes and ordinances of the City, regardless of information and/or plans submitted.

I HEREBY ACCEPT ALL CONDITIONS HEREIN ABOVE MENTIONED
AND CERTIFY THAT ALL STATEMENTS HEREIN RECORDED BY ME
ARE TRUE.

DATE

7/3/00

SIGNED

Agent or Applicant

DATE

8-4-00

APPROVE

Building Official

ESTIMATED VALUE

37500⁰⁰

PERMIT FEE

WATER METER

METER INSTALLATION

SEWER TAP

TOTAL

315⁰⁰

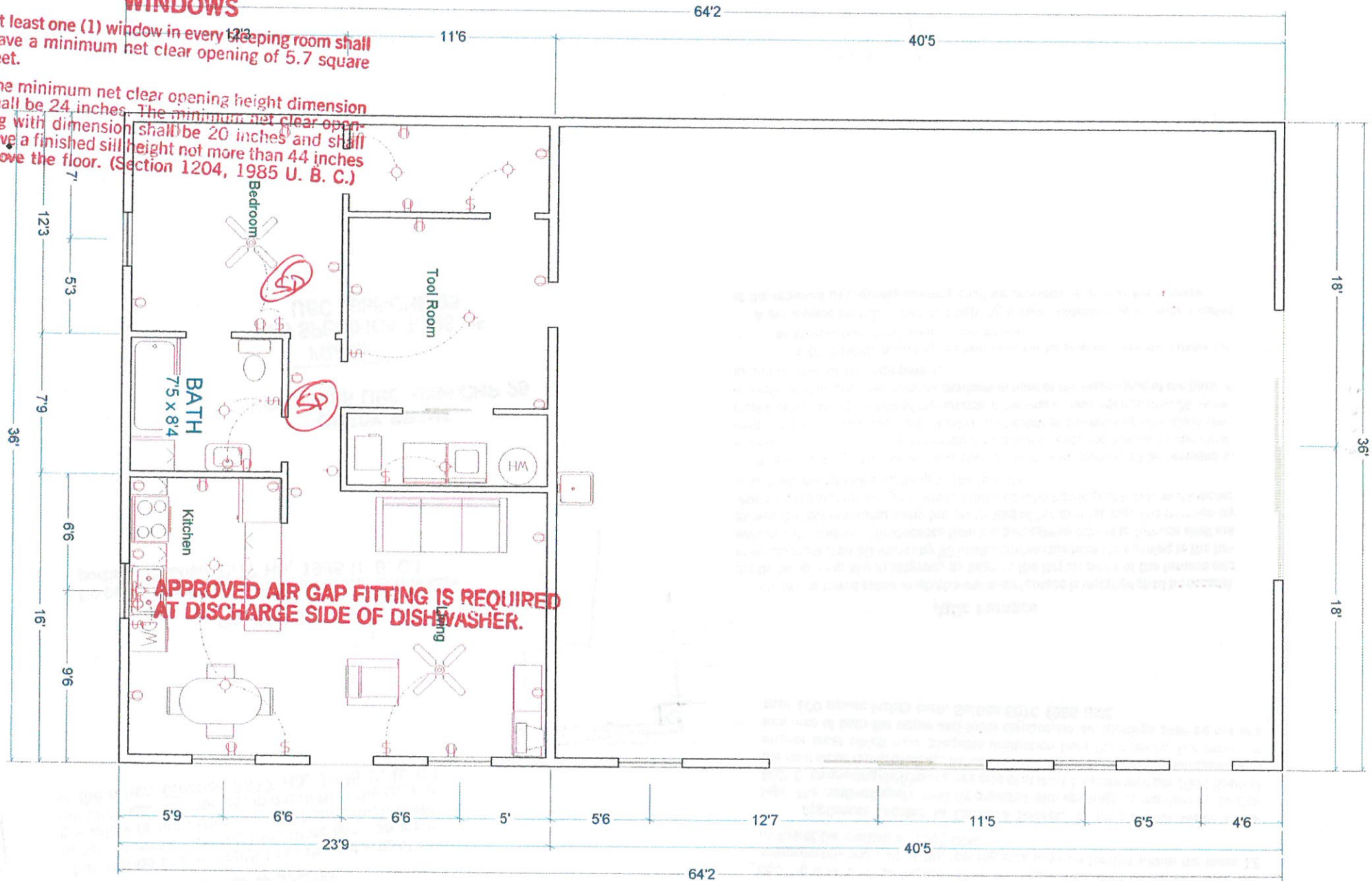
Smoke Detectors to be WIRED with primary battery

Attachment 3

WINDOWS

At least one (1) window in every sleeping room shall have a minimum net clear opening of 5.7 square feet.

The minimum net clear opening height dimension shall be 24 inches. The minimum net clear opening with dimension shall be 20 inches and shall have a finished sill height not more than 44 inches above the floor. (Section 1204, 1985 U. B. C.)



Subject To Field Inspector Approval.

JERRY SAUER

4318 MISTY LN

MISTY LANE

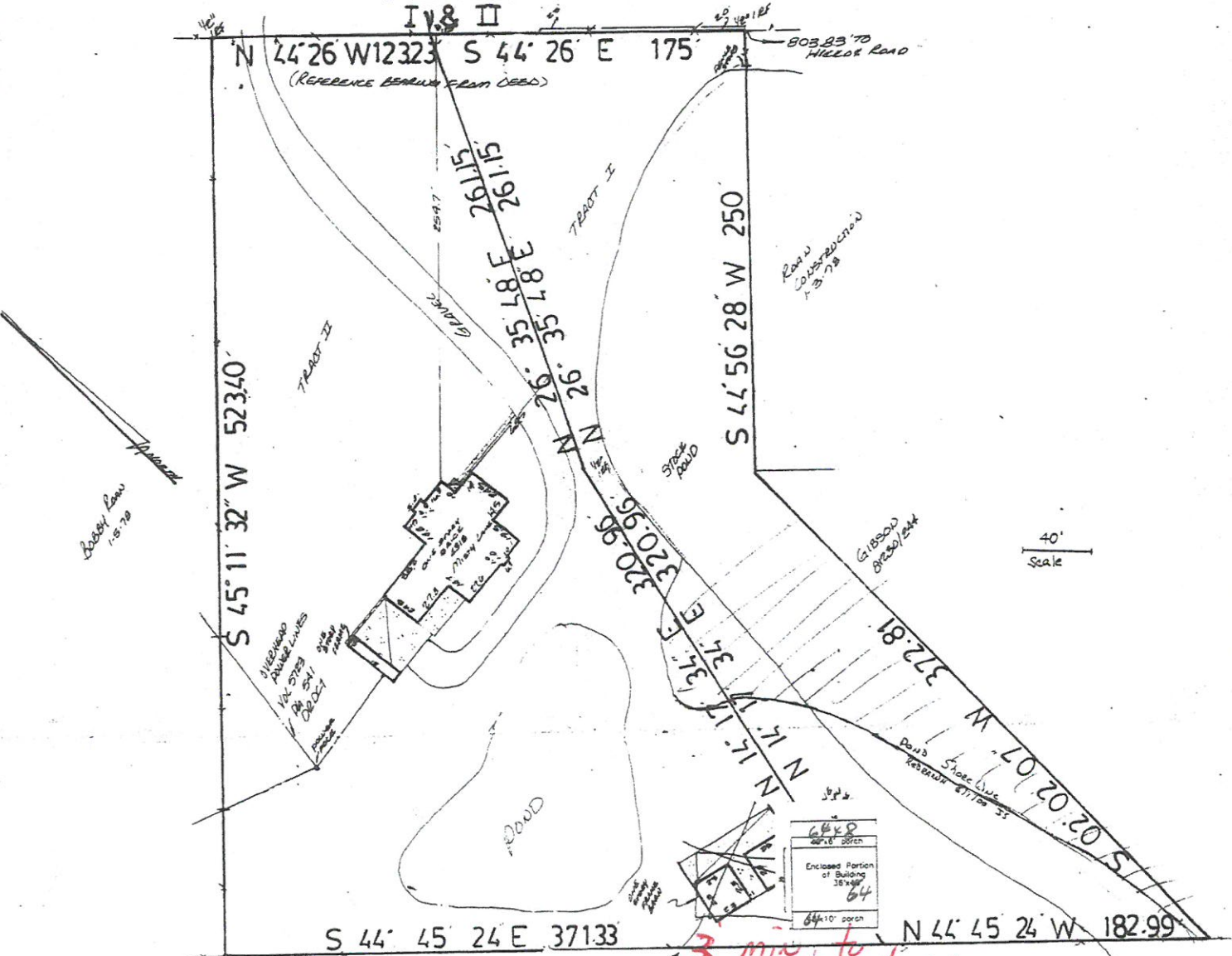
POB TRACT

I & II

N 44° 26' W 123.23' S 44° 26' E 175'

(REFERENCE BEARING FROM DEED)

803.83' TO HICKOX ROAD

40'
Scale

TRACT I

BEGIN ALL THAT CERTAIN LOT, TRACT OF PARCEL OF LAND LYING AND BEING SITUATED IN THE COUNTY OF DALLAS, STATE OF TEXAS, AND BEING OUT OF THE RICHARD COPELAND SURVEY, ABSTRACT NO. 229, AND BEING PART OF THE MAURICE MCCLAIN ORIGINAL 80.83 ACRE TRACT OF LAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWEST LINE OF HICKOX ROAD AND THE SOUTHWEST LINE OF MISTY LANE;

THENCE NORTH 44 DEGREES 26 MINUTES WEST, 978.83 FEET ALONG THE SOUTHWEST LINE OF MISTY LANE TO A 1/2 INCH IRON ROD SET FOR CORNER AT THE POINT OF BEGINNING SAID IRON ROD BEING THE NORTHEAST CORNER OF A 2.763 ACRE TRACT OF LAND CONVEYED FROM BOBBY ROAN TO GARY W. BURNS, SR. AND WIFE KAY F. BURNS, RECORDED IN VOLUME 81138 PAGE 1348, DALLAS COUNTY DEED RECORDS;

THENCE SOUTH 44 DEGREES 26 MINUTES EAST, 175 FEET ALONG THE SOUTHWEST LINE OF SAID MISTY LANE TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 44 DEGREES 56 MINUTES 28 SECONDS WEST, 250 FEET TO A POINT FOR CORNER IN A POND;

THENCE SOUTH 02 DEGREES 02 MINUTES 07 SECONDS WEST, 372.81 FEET TO A POINT FOR CORNER IN SAID POND;

THENCE NORTH 44 DEGREES 45 MINUTES 24 SECONDS WEST, 182.99 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 14 DEGREES 17 MINUTES 34 SECONDS EAST, 320.96 FEET TO 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 26 DEGREES 35 MINUTES 48 SECONDS EAST, 261.15 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.620 ACRES OF LAND

Ditch

Demolished Barn
Still on Ditch

Closest corner of
Building to the Pond
Pond is 58 feet (East)
North corner is 80 feet
from Pond. Note
Rebar Stake Line. This
Survey does not accurately
reflect the true location

JERRY SAUER
4318 Misty Ln
Rowlett, TX 75089

TRACT II

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE COUNTY OF DALLAS, STATE OF TEXAS, AND BEING OUT OF THE RICHARD COPELAND SURVEY, ABSTRACT NO. 229, AND BEING PART OF THE MAURICE MCCLAIN ORIGINAL 80.83 ACRE TRACT OF LAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWEST LINE OF HICKOX ROAD AND THE SOUTHWEST LINE OF MISTY LANE;

THENCE NORTH 44 DEGREES 26 MINUTES WEST, 978.83 FEET ALONG THE SOUTHWEST LINE OF MISTY LANE TO A 1/2 INCH IRON ROD FOUND FOR CORNER AT THE POINT OF BEGINNING;

THENCE NORTH 44 DEGREES 26 MINUTES WEST, ALONG THE SOUTHWEST LINE OF MISTY LANE, 123.23 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 45 DEGREES 11 MINUTES 32 SECONDS WEST, 523.40 FEET TO A 1/2 INCH IRON ROD SET FOR CORNER;

THENCE SOUTH 44 DEGREES 45 MINUTES 24 SECONDS EAST ALONG A FENCE LINE, 371.33 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

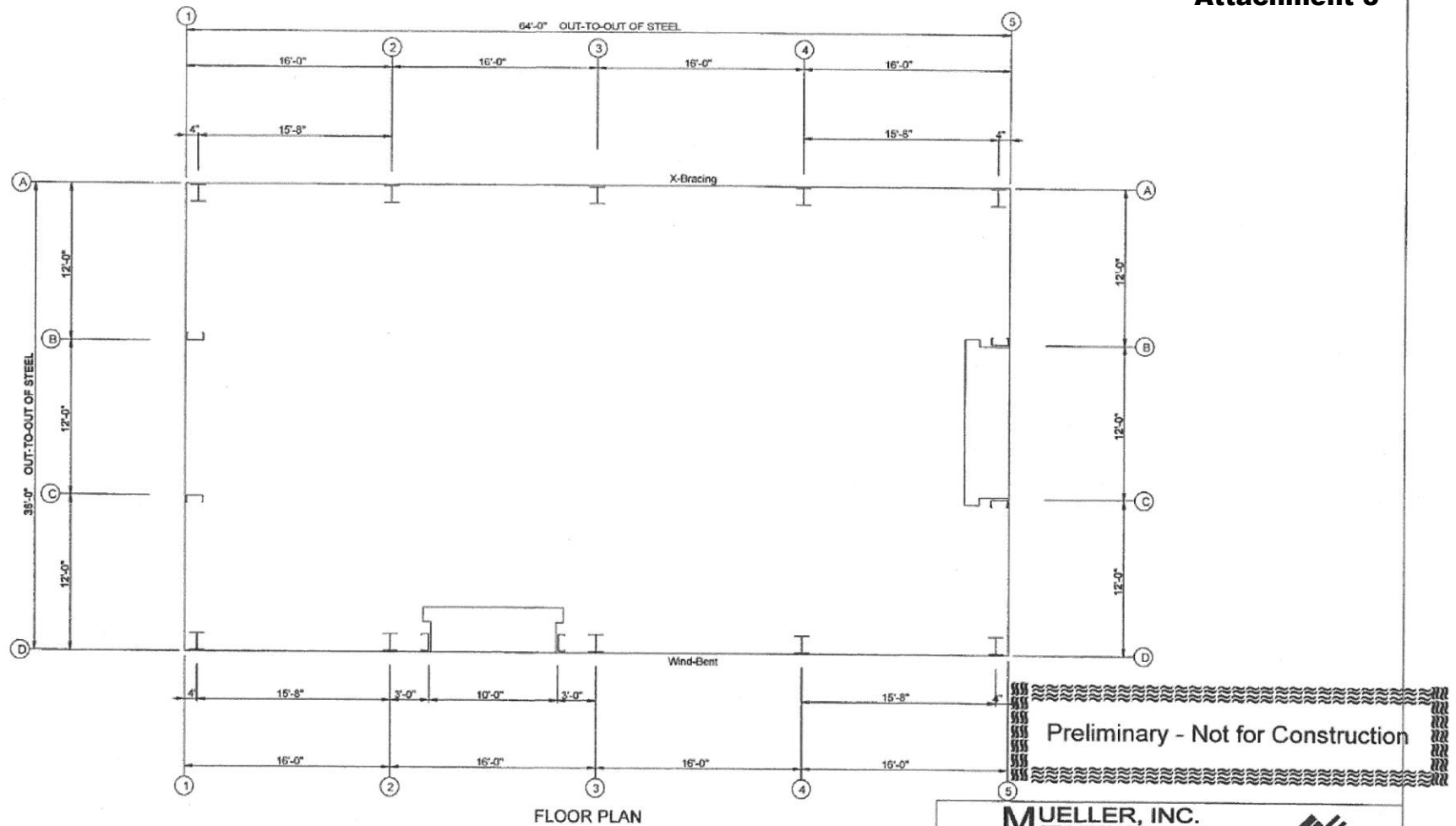
THENCE NORTH 14 DEGREES 17 MINUTES 34 SECONDS EAST, 320.96 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 26 DEGREES 35 MINUTES 48 SECONDS EAST, 261.15 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.763 ACRES OF LAND

NATIONAL FIRE INSURANCE COMPANY
DALLAS, TEXAS
RECEIVED
JAN 10 1990

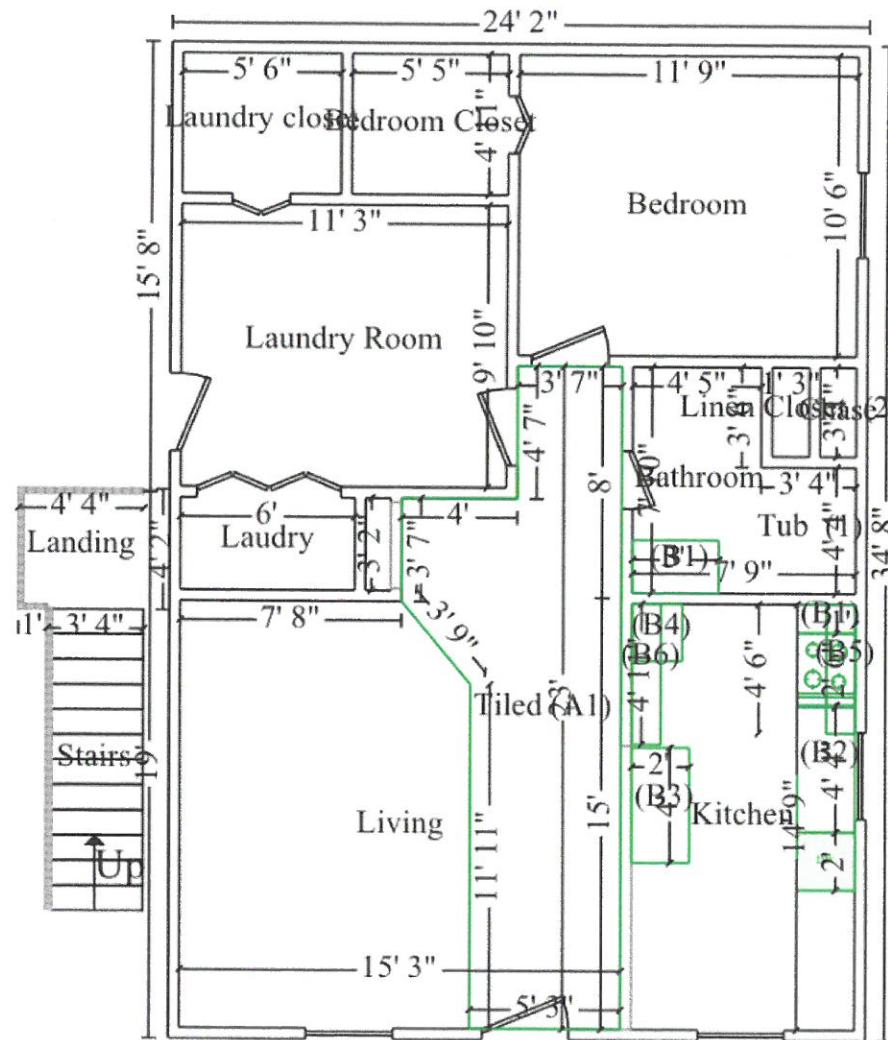
This survey was prepared in accordance with the Texas Surveying Act, Chapter 131, Texas Government Code, and the Texas Professional Surveyors Act, Chapter 132, Texas Government Code. The survey was prepared by a Licensed Professional Surveyor, and the survey is subject to the rules and regulations of the Texas Board of Professional Surveyors. The survey is not to be used for any purpose other than the purpose for which it was prepared, and the survey is not to be used for any purpose other than the purpose for which it was prepared.

JIMMY W. POGUE, INC.
3510 MARVIN D. LOVE FREEWAY
DALLAS, TEXAS 75224
PHONE (214) 371-0666

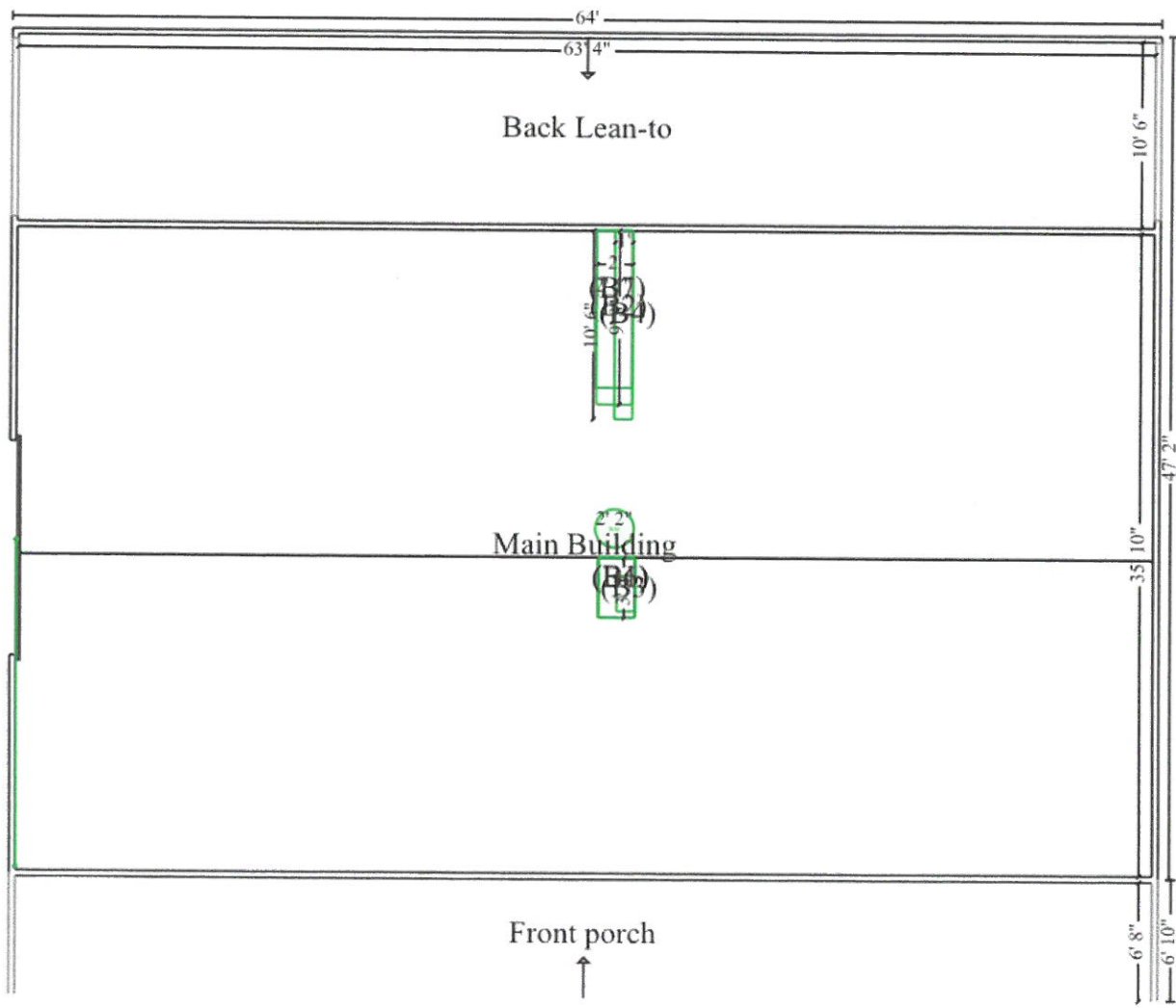


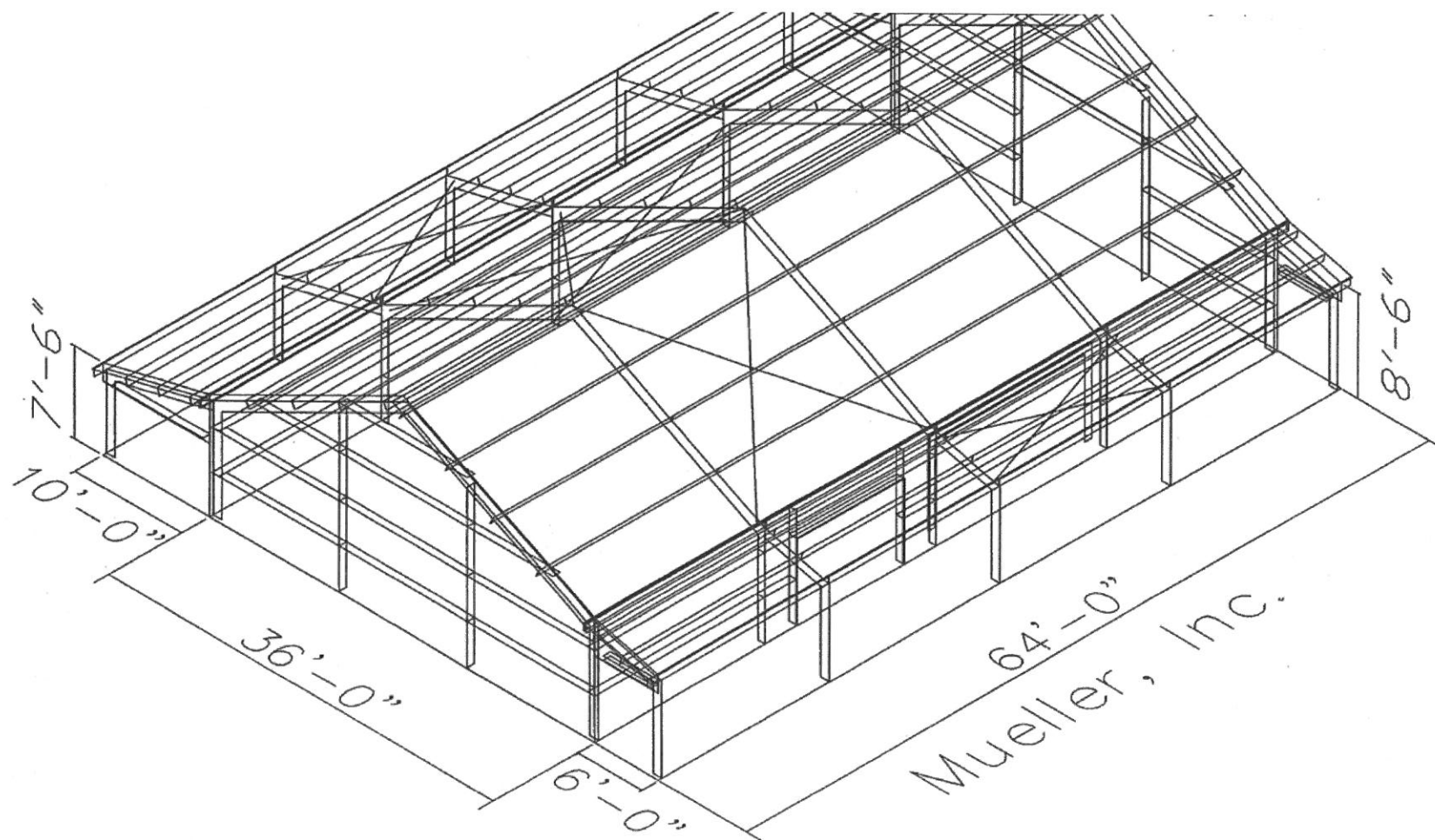
FLOOR PLAN

MUELLER, INC.		
STEEL BUILDING SYSTEMS & COMPONENTS		
1913 Hutchins Ave. Ballinger, TX 76821 (800) 527-1087 (325) 365-8103 (Fax)		
DESCRIPTION	FLOOR PLAN	#File
SIZE	35'-0" x 64'-0" x 10'-0"	ROOF SLOPE 6.0/12



56 of 56







City of Rowlett

Staff Report

Board of Adjustment

4000 Main Street
P.O. Box 99
Rowlett, TX 75030-0099
www.rowlett.com

AGENDA DATE: 10/10/2016

AGENDA ITEM: 5

AGENDA LOCATION:

Individual Consideration

TITLE

Conduct a public hearing and take action on a request for a variance to allow a building to encroach 25 feet into the 50-foot front yard setback. The subject property is located at 1700 Castle Drive further described as being Lot 3, Block A, Bubbus 1, an addition to the City of Rowlett, Dallas County, Texas.

STAFF REPRESENTATIVE

Patricia Gottilly-Roberts, Senior Planner

SUMMARY

This is a request for a variance to the 50-foot front yard setback requirement in Limited Commercial Retail (C-1) Zoning District and the 50-foot front building line shown on Bubbus 1 Addition Plat. The applicant is proposing to build a meter vault that will be 25 feet from the front property line.

BACKGROUND INFORMATION

The North Texas Municipal Water District (NTMWD), which supplies water to the City of Rowlett, is updating their meter vaults throughout their system by installing new meter facilities that follow the NTMWD Meter Vault Standardization. NTMWD identified the existing meter vault at 1700 Castle Drive (Attachment 1 – Location Map) as being substandard and is in urgent need to be updated to their current standards by installing a new meter vault (Attachment 2 – Site Plan).

NTMWD has a 42-inch waterline that runs along the east side of Castle Drive which feeds into a 20-inch city waterline that leads to the Rowlett Pump Station and ground storage tanks that are located to the southeast. The new meter vault will be installed on the 20-inch waterline below ground. Access to this meter will be through a 30-foot long by 16-foot wide (480 square feet) building located above ground. This building will provide for safe access to the new meter for monitoring and maintenance. The building, however, will be located 25 feet within the 50-foot front yard setback. As a result, the building cannot be permitted unless a variance is granted.

DISCUSSION

Section 77-812 of the *Rowlett Development Code* (RDC) states specific criteria that should be considered when granting a variance as seen below:

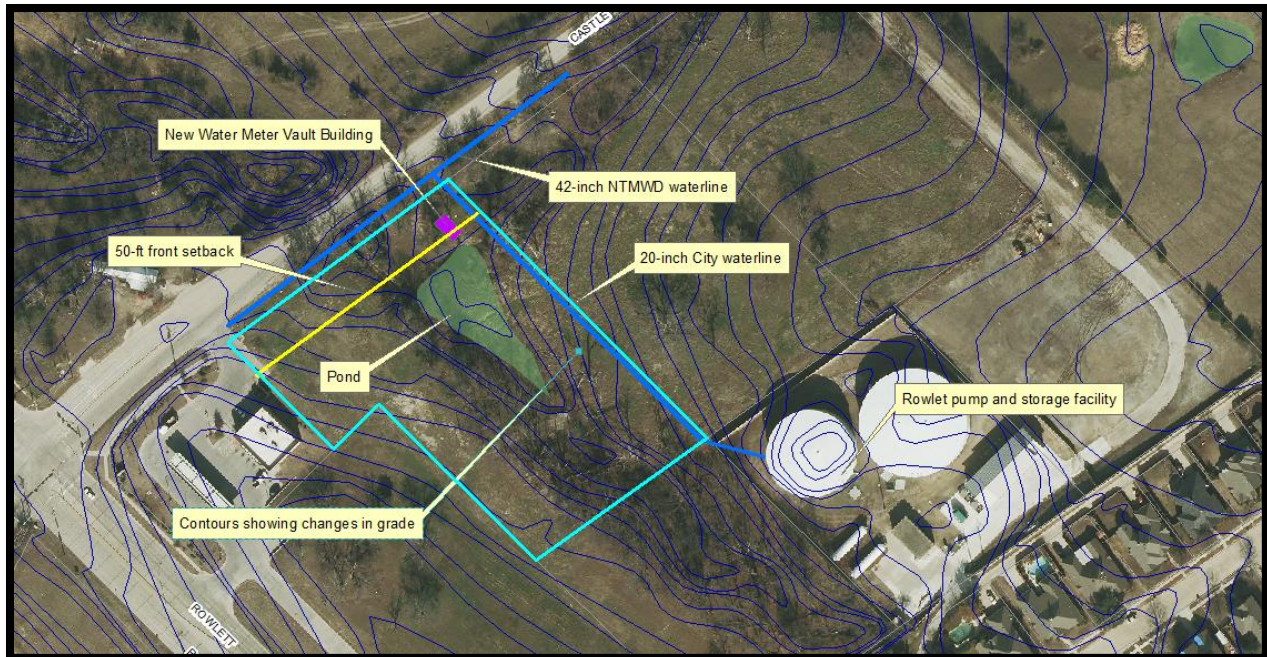
The variance process is intended to provide limited relief from the requirements of this Code in those cases where strict application of a particular requirement will create an unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Code. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Code may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this Code render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested. State and/or federal laws or requirements may not be varied by the city.

Section 77-812 of the RDC defines a variance as seen below:

A variance is an exemption from the literal terms of a zoning ordinance that avoids an unnecessary hardship caused by the special conditions associated with the property. The unnecessary hardship must be unique to the property, arising from topographical, geographical, physical, or dimensional features of the property, and not the owner or occupant. A variance is appropriate in unique circumstances to allow limited exemptions from setbacks, lot width, lot depth, coverage, floor area ratio, sidewalks, home size, lot size, signs and similar regulations and shall not be granted based on market conditions, economic factors, or profitability, marketability or feasibility of development on the property. A variance shall not be granted if contrary to the public interest, and if granted, the spirit of the regulations must be observed and substantial justice done.

A variance is intended to grant relief from a zoning requirement where its enforcement would result in a hardship due to unique conditions on the property. To grant a variance, there must be a physical condition unique to the property that would make it difficult to use and comply with the requirements. In review of this request, the subject property contains unique physical conditions that it make difficult to locate the meter vault building on the north side of the property near the 20-inch waterline witiout violating the front setback. The subject property contains a creek that runs north and south through the middle of the property. Additionally, there is a pond and signifciant changes in grade to the rear of the property. The image below shows the location of the proposed building and surrounding physical conditions that make it difficult to avoid encroaching into the front setback.

[The remainder of this page intentionally left blank]



The proposed location of the meter vault building is the optimal location given the physical constraints of the subject property. Locating the meter vault building to the southwest of the creek would make it impractical given the extended distance from the 20-inch waterline located on the northeast side of the property. Additionally, placing the building on the eastside of the creek will leave the west side of the property available for a future commercial development. It is staff's opinion that the request meets the criteria for a variance.

Public Notice

Notices of this request were mailed to property owners within 200 feet. On September 23, 2016, a total of 5 notices were mailed. As of September 29, 2016, no responses have been returned in favor of or in opposition to the request.

RECOMMENDED ACTION

Move to approve a variance allowing a meter vault building to encroach 25 feet into the 50-foot front setback at 1700 Castle Drive.

ATTACHMENTS

- Attachment 1 – Location Map
- Attachment 2 – Site Plan
- Attachment 3 – Meter Vault Plan
- Attachment 4 – Site Pictures

200' Notification Area

Subject Property

CASTLE

ROWLETT

CHINKAPIN

PLANETREE

SCARLET OAK

SWEETGUM

WHITECEDAR



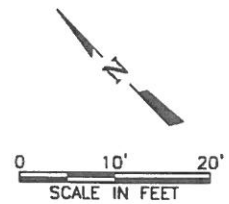
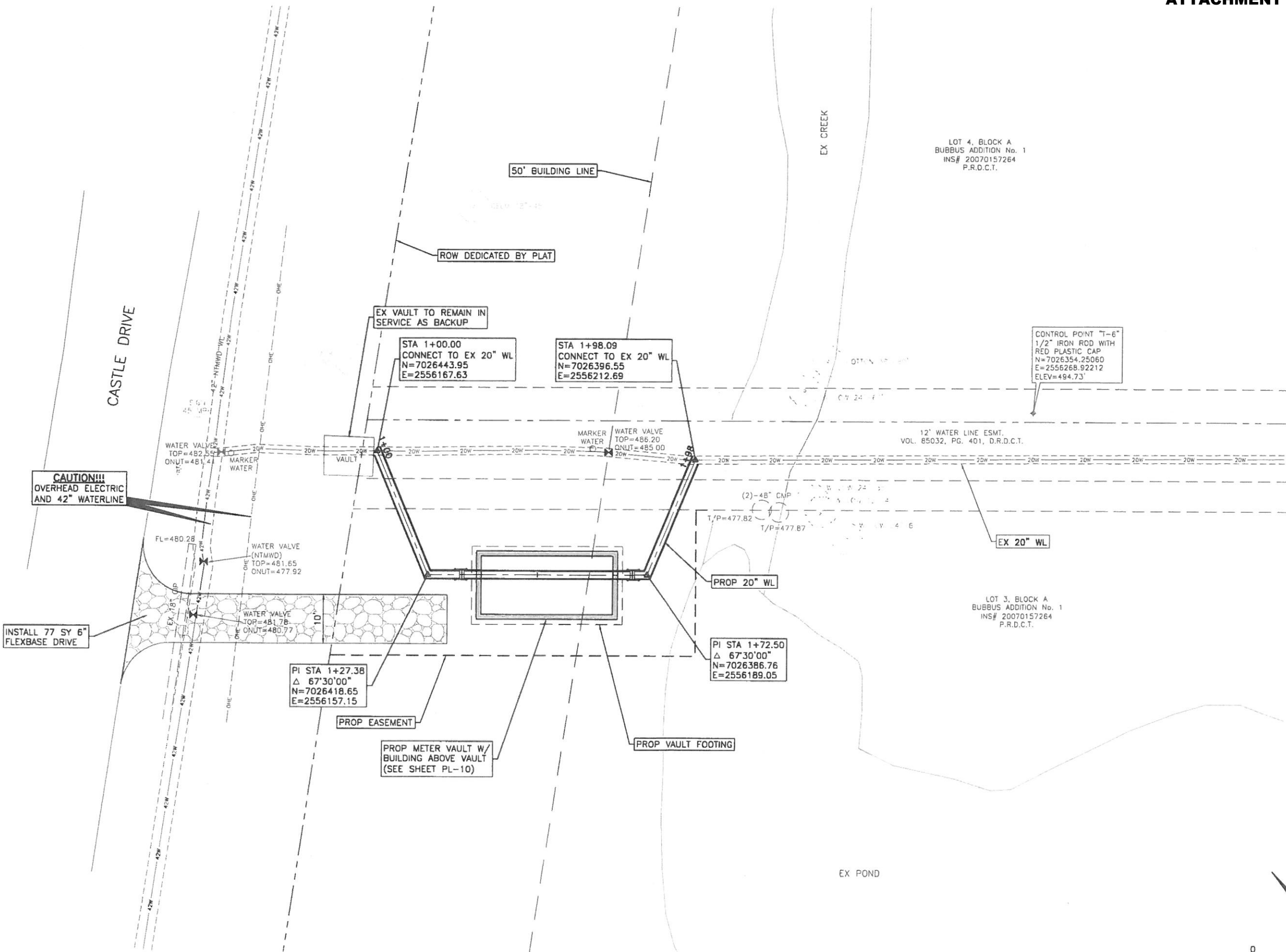
1700 CASTLE DR
Map Created: September 23, 2016

VARIANCE
200 FT NOTICE
LOCATION MAP

NORTH TEXAS MUNICIPAL WATER DISTRICT
ROWLETT NO. 1, ROWLETT NO. 3, GARLAND NO. 5,
MESQUITE NO. 3 DELIVERY POINT IMPROVEMENTS

CIVIL
ROWLETT NO. 3 SITE PLAN

NO.	ISSUE	DATE	BY	DATE	FILE NAME	FILE NAME
1	ISSUE				CV-VAL-PL-SITE04.dwg	
2	ISSUE					
3	ISSUE					
4	ISSUE					
5	ISSUE					
6	ISSUE					
7	ISSUE					
8	ISSUE					
9	ISSUE					
10	ISSUE					
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100	ISSUE					



LEVEL I

PL-3


SEQ.

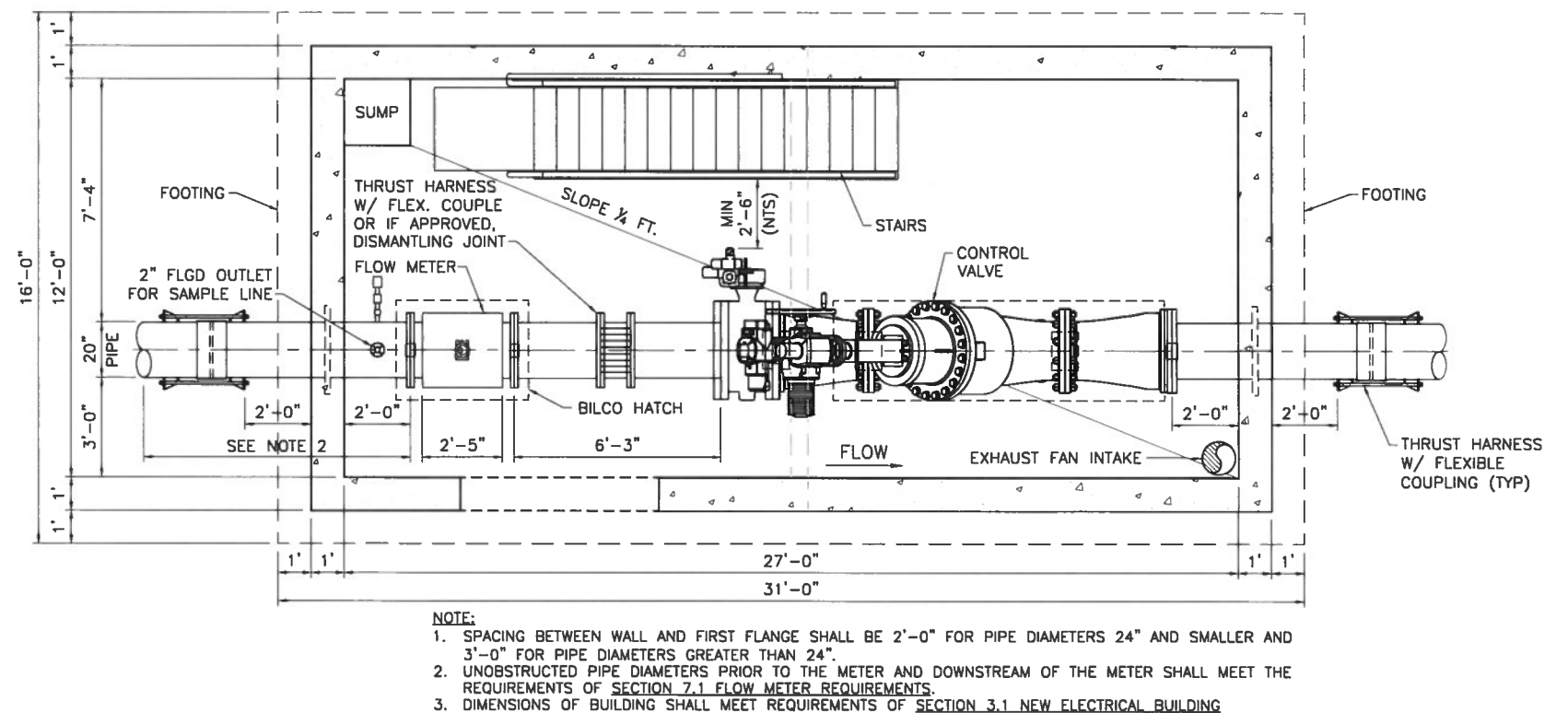
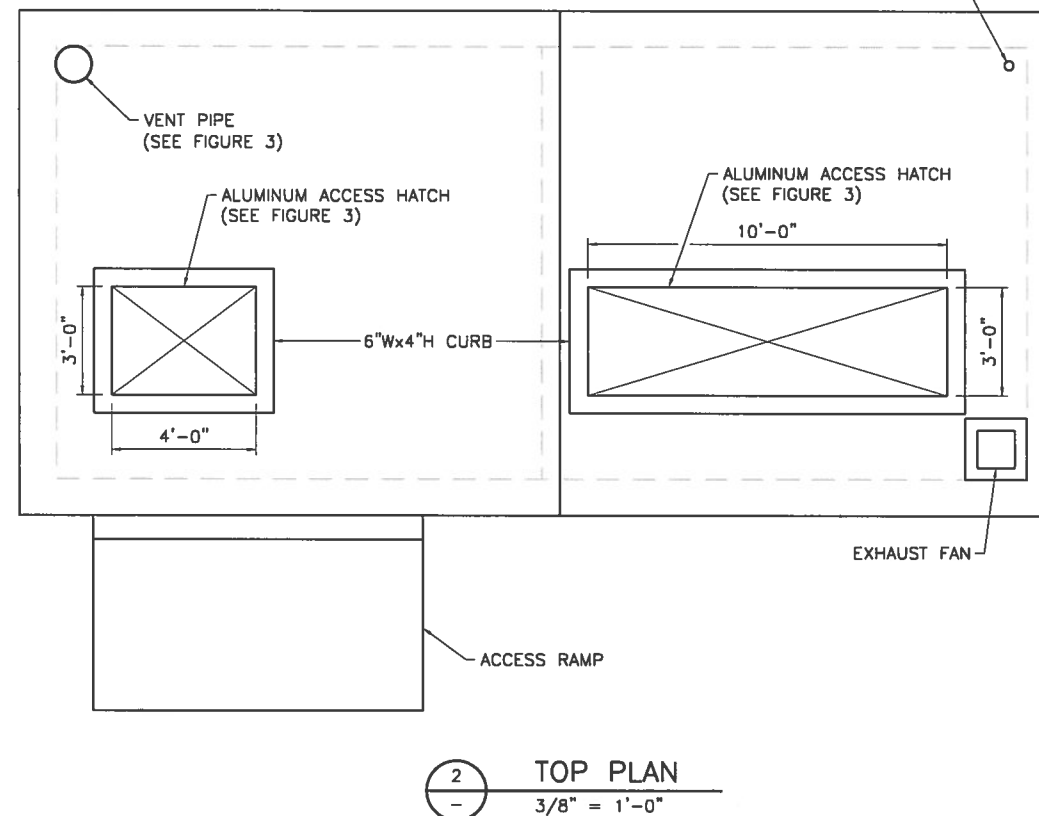
THIS DOCUMENT IS RELEASED FOR THE
PURPOSE OF INTERIM REVIEW UNDER THE
AUTHORITY OF REBECCA P. DWYNE P.E.
TEXAS NO: 96673 ON DATE: 8/24/2016
IT IS NOT TO BE USED FOR CONSTRUCTION,
BIDDING OR PERMIT PURPOSES.

FREESE & NICHOLS
2711 North Haskell Ave., Suite 3300
Dallas, Texas 75204
Phone - (214) 217-2200
Fax - (214) 217-2201

ROWLETT NO. 1, ROWLETT NO. 3, GARLAND NO. 5,
MESQUITE NO. 3 DELIVERY POINT IMPROVEMENTS

CIVIL
ROWLETT NO. 3 PROPOSED
METER VAULT PLAN & SECTION

SHEET		PL-4	
<p>VERIFY SCALE</p> <p>Bar is one inch on original drawing, if not one inch on this sheet, adjust scale.</p> <p>0  1</p>		<p>FILE NAME</p> <p>CV-VAl-SC-VAUL04.dwg</p>	
		RPD	
		CHECKED	
		REVISED	
		RGM	
		DRAWN	
		DESIGNED	
		DATE	SEPT 2016
		NID15287	



NOTE:

1. SPACING BETWEEN WALL AND FIRST FLANGE SHALL BE 2'-0" FOR PIPE DIAMETERS 24" AND SMALLER AND 3'-0" FOR PIPE DIAMETERS GREATER THAN 24".
2. UNOBSTRUCTED PIPE DIAMETERS PRIOR TO THE METER AND DOWNSTREAM OF THE METER SHALL MEET THE REQUIREMENTS OF SECTION 7.1 FLOW METER REQUIREMENTS.
3. DIMENSIONS OF BUILDING SHALL MEET REQUIREMENTS OF SECTION 3.1 NEW ELECTRICAL BUILDING

0 1' 2' 4'
3/8" = 1' - 0

LEVEL I

1700 Castle Road

